

**IN THE DISTRICT COURT OF EASTERN MISSOURI
UNITED STATES OF AMERICA**

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	Cause No: 4:21-cr-00509-RLW-NCC-1
-vs)	
)	
MERCEDES W. GREGORY,)	
)	
Defendant.)	

**DEFENDANT’S MOTION FOR A FINDING OF INDIGENCY
AND TO APPOINT COUNSEL**

COMES NOW, Mark J. Byrne, and respectfully requests this Court appoint Attorney Mark J. Byrne moving forward in the above-referenced cause. As grounds for this request, Counsel states the following:

1. The Defendant, Mercedes W. Gregory, is charged with one count of Hobbs Act Robbery, one count of Possession and Brandishing of a Firearm in Furtherance of a Crime of Violence, and one count of Felon in Possession of a Firearm, in the above referenced cause.
2. Counsel currently represents Mr. Gregory on charges pending out of St. Louis City Circuit Court (2122-CR01149) as well as in the St. Louis County Circuit Court (20SL-CR03832-01). In St. Louis City Circuit court his charges are as follows: Unlawful Possession of A Firearm (a Class D felony), Resisting/Interfering With Arrest For A Felony (a Class E felony), and Escape or Attempted Escape From Custody While Under Arrest for Felony (a Class E

felony). In St. Louis County Circuit Court, the Defendant's charges are as follows:

two counts of Robbery – 1st Degree (both Class A felonies).

3. Due to the seriousness of the charges pending against Mr. Gregory out of both the St. Louis City and St. Louis County Circuit Court's; both Counsel and Defendant believe that Counsel is in the best position to represent Mr. Gregory moving forward in this federal case as well. Counsel has a long-standing attorney client relationship with Mr. Gregory and has represented him for a number of years. Further, one of the Counts involved in the federal case was previously filed in St. Louis County Circuit Court, and Counsel represented the Defendant in that case. In addition, all three of these cases are similar in nature.
4. Given the long-standing relationship and the fact that Counsel previously represented the Defendant in this case when it was pending out of the St. Louis County Circuit Court, and that Counsel currently represents him on two additional cases, Counsel believes strongly that he is in the best position to represent Mr. Gregory in this federal case at this time.
5. The Defendant has been in custody in the St. Louis City jail since July 16, 2021, and then was transferred to the St. Louis County jail on August 4, 2021, where the Defendant has remained until being transferred into federal custody this week. Because Mr. Gregory is currently confined to-date (U.S. Marshalls picked him up from St. Louis County and have him in federal custody as of today's date but his final location has yet to be determined), he has no income and is unable to obtain employment. He has no one to help him financially and he has no assets to retain an attorney to handle this federal matter. The Defendant will sign an affidavit of indigency upon request.

6. Counsel does not have the resources available to handle Mr. Gregory's federal case pending out of the Eastern District of Missouri pro-bono, nor can Counsel afford to pay for Mr. Gregory's defense. Further, Counsel has not received a payment from Mr. Gregory or his family in at least the last five months on his State cases.
7. Counsel has been practicing in federal court for over twenty-years, and he has disposed of approximately one-hundred cases in the Eastern District Court of Missouri.
8. Counsel is not currently a member of the CJA panel; however, Counsel has taken several court appointments in the Eastern District of Missouri over the years. Counsel understands that it is rare to appoint a non-CJA attorney under our current system, but Counsel believes that it is best in this case.
9. Counsel strongly believes that, given the serious nature of the charges, it is in the Defendant's best interests to have the same attorney represent him on all three pending cases.

WHEREFORE, for the foregoing reasons, Counsel requests that Mr. Mercedes W. Gregory be declared indigent at this time. In addition, Counsel respectfully requests that this Honorable Court appoint Attorney Mark J. Byrne to represent Mr. Gregory in this case, with the costs of representation being paid by the United States Government.

Respectfully Submitted,

FISCHER & BYRNE, L.L.C.

/s/ Mark J. Byrne

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CERTIFICATE OF SERVICE

The above-signed certifies that a copy of the foregoing was served via-electronic filing to the United States District Court of Eastern Missouri, as well as the United States District Attorney's Office on this 16th day of February 2022.